Express Mail Label EV139295621US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Michael V. Leman *et al.*

APPLICATION No.: 09/472,725

FILED: December 27, 1999

FOR: **METHOD AND APPARATUS FOR
FASTENING CIRCUIT BOARDS TO
COMPUTER CHASSIS**

EXAMINER: Doshie Day

ART UNIT: 2835

CONF. No: 9135

RECEIVED

JAN 16 2003

OFFICE OF PETITIONS

**Petition to Revive Unintentionally Abandoned
Application Under 37 CFR §1.137(b)**Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

1. The applicant hereby petitions for revival of the above-identified application, which became abandoned on April 10, 2000 for failure to file a response to a Notice to File Missing Parts of Application mailed on February 7, 2000.
2. Reply Under 37 CFR §1.137(b)(1)

Enclosed herewith is a Response to the Notice to File Missing Parts of Application.

3. Fee Under 37 CFR §1.137(b)(2)

Enclosed is a check including the fee of \$1300.00 under 37 CFR 1.17(m).

4. Statement Under 37 CFR §1.137(b)(3)

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR §1.137(b) was unintentional.

5. Duration of Abandonment (1203 OG 86-87, Oct. 21, 1997)

☐ This petition is being filed within 3 months of the date on which the applicant was first notified of the abandonment by a Notice of Abandonment mailed . Under current USPTO practice, further information regarding the abandonment is not required.

- ☐ This petition is being filed more than 3 months after the applicant was first notified of the abandonment, but within 1 year of the date of abandonment. Attached hereto is a statement by explaining how the abandonment occurred and how it was unintentional.
- ☒ This petition is being filed more than 1 year after the apparent date of abandonment. Attached hereto is a Declaration by John M. Wechkin explaining when the applicant or applicant's representative first became aware of the abandonment and how the delay in discovering the abandoned status occurred despite the exercise of due care or diligence on the part of the applicant or the applicant's representative.

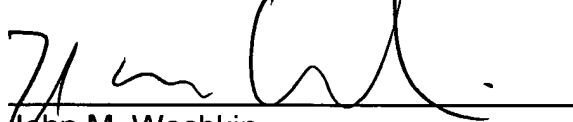
6. Terminal Disclaimer under 37 CFR §1.137(b)(4) and (c)

- ☒ Since this application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ Since this application was filed before June 8, 1995, a terminal disclaimer is enclosed dedicating to the public a terminal part of the term of any patent granted hereon, and of any patent granted on a continuing application hereof, equivalent to the period of abandonment of this application.

7. Additional Fees

- ☒ Please charge any underpayment in fees for timely consideration of this Petition to Deposit Account No. 50-0665.

Respectfully submitted,
Perkins Coie LLP



John M. Wechkin
Registration No. 42,216

Date: Jan 13, 2003

Correspondence Address:

Customer No. 25096
Perkins Coie LLP
P.O. Box 1247
Seattle, Washington 98111-1247
Phone: (206) 583-8888

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#5

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Michael V. Leman et al.
Application No. : 09/472,725 Confirmation No.: 9135
Filed : December 27, 1999
For : METHOD AND APPARATUS FOR FASTENING CIRCUIT
BOARDS TO COMPUTER CHASSIS

Docket No. : 108298578US

Date : January 13, 2003

Assistant Commissioner for Patents
Washington, DC 20231

PETITION UNDER 37 C.F.R. 1.47(a) TO FILE ON BEHALF OF NON-SIGNING INVENTORS

Sir:

Applicants petition the Commissioner of Patents under 37 C.F.R. 1.47(a) to file this application on behalf of four non-signing inventors. The pertinent facts are set forth in the Declaration of John M. Wechkin enclosed herewith, and a check including the petition fee of \$130.00 under 1.17(h) is enclosed.

Respectfully submitted,
Perkins Coie LLP

John M. Wechkin
Registration No. 42,216

Correspondence Address:

Customer No. 25096
Perkins Coie LLP
P.O. Box 1247
Seattle, WA 98111-1247
Phone: (206) 583-8888

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JAN 16 2003

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Michael V. Leman *et al.*

APPLICATION No.: 09/472,725

FILED: December 27, 1999

FOR: **METHOD AND APPARATUS FOR
FASTENING CIRCUIT BOARDS TO
COMPUTER CHASSIS**

EXAMINER: DOSHIE DAY

ART UNIT: 2835

CONF. No: 9135

**Declaration of John M. Wechkin in Support of Petition to Revive
Unintentionally Abandoned Application Under 37 CFR § 1.137(b)**

Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED

JAN 16 2003

Sir:

OFFICE OF PETITIONS

I, John M. Wechkin, do hereby declare:

1. The facts set forth in this Declaration are personally known to me based on first-hand knowledge of such facts or upon representations made to me by Ms. Renalov, a paralegal at the law firm of Perkins Coie, LLP ("Perkins Coie").

2. I am an attorney at Perkins Coie, located at 1201 Third Avenue, Suite 4800, Seattle, Washington 98101, and I am outside patent counsel for Micron Technology, Inc. ("Micron").

3. I was involved in the filing and prosecution of U.S. Application No. 09/472,725 (the "Application"). The inventors identified on an invention disclosure form which provided the basis for the Application are as follows: Michael V. Leman, Gregory P. Johnson, R. Doug Smith, Craig L. Boe, Jacques Gagne, and Philip Hartley.

4. I drafted the Application and caused it to be filed in the U.S. Patent and Trademark Office ("USPTO") with missing parts, on December 27, 1999. The application became abandoned on April 10, 2000. The delay in discovering the

abandoned status occurred despite the exercise of due diligence on my part and on the part of other attorneys and staff of Perkins Coie. The following is the explanation of the circumstances under which I first became aware of the abandonment and the steps taken since that date.

5. On January 12, 2001, Paul T. Parker, an attorney at Perkins Coie and an attorney of record for the Application filed a Status Request with the USPTO, with a return address of P.O. Box 1247, Seattle, WA 98111-1247. This address is the return address we routinely use for USPTO correspondence. No reply to the status inquiry has been received.

6. A check status action due date for the Application was docketed in our docketing system for June 7, 2002, at which time Ms. Iov checked the status of the Application through the Patent Application Information Retrieval (PAIR) system. The PAIR system indicated (in the File Contents History) that the subject application was received incomplete and abandoned on April 10, 2000.

7. A thorough search of the file jacket and the docket records showed no evidence of receipt of the Notice to File Missing Parts of Application or the Notice of Abandonment.

8. On June 12, 2002, Ms. Iov telephoned the USPTO's Initial Examination Division and Application Search Division. She left a detailed message regarding our inquiry into the circumstances under which the Application became abandoned.

9. On June 18, 2002, Ms. Iov once again telephoned the USPTO and was connected with Examiner Doshie Day, the Examiner for the Application, who advised her that the Application was in fact abandoned for failure to respond to the Notice to File Missing Parts. The Examiner assured Ms. Iov that she would order the file and fax her a copy of the Notice of Abandonment on June 19, 2002.

10. On July 12, 2002, we received via fax a copy of the Notice to File Missing Parts and noted that the address to which the Notice to File Missing Parts had

originally been sent was incorrect. An examination of the Application as filed indicated that the return address provided by us to the USPTO was incorrect in that it was a street address for Perkins Coie rather than the Post Office box address indicated in paragraph (5) above. It appears that because the Notice to File Missing Parts and the Notice of Abandonment were both sent to Perkins Coie's street address rather than the intended Post Office box, I received neither document. It is not clear whether or not a response to our initial status inquiry (filed January 12, 2001) was sent to us by the USPTO.

11. On July 23 and July 26, 2002, Ms. Iov left messages with Examiner Day seeking a copy of the Notice of Abandonment. On August 19, 2002, we received a copy of the Notice of Abandonment, which was also originally sent to Perkins Coie's street address.

12. During September 2002 and early October 2002, attempts were made to obtain current addresses for the inventors, and to contact the inventors directly.

13. On October 22, 2002, Ms. Iov sent each of the individual inventors (via certified mail/return receipt requested) a copy of the Application as filed and the original Declaration and Assignment documents for execution. These materials were sent to the inventor's last known addresses.

14. We received executed Declarations from Messrs. Gregory P. Johnson and Craig L. Boe, attached as Exhibit A.

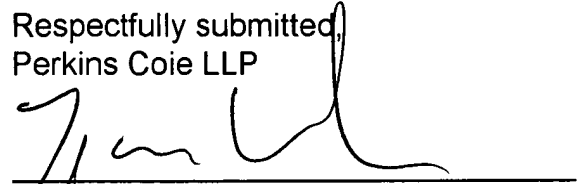
15. The packages sent to Messrs. R. Doug Smith, Jacques Gagne and Philip Hartley (mailed to their last known addresses) were returned undelivered. Copies of the front of the packages are attached as Exhibit B.

16. Mr. Michael V. Leman received a copy of the Declaration but has not yet returned his signed Declaration. A copy of the signed certified mail receipt is attached as Exhibit C.

17. The present Declaration and corresponding Petition under 37 C.F.R. § 1.137(b) were prepared promptly upon receiving from each of the inventors a signed inventor Declaration or a clear indication that the inventor Declaration sent to them was either received or not received by the inventor.

18. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine, or imprisonment, or both, under Section 101 of Title 18 of the United States Code.

Respectfully submitted,
Perkins Coie LLP



John M. Wechkin
Registration No. 42,216

Date: Jan 13, 2003

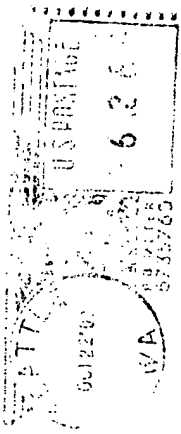
Correspondence Address:

Customer No. 25096
Perkins Coie LLP
P.O. Box 1247
Seattle, Washington 98111-1247
Phone: (206) 583-8888

CERTIFIED MAIL



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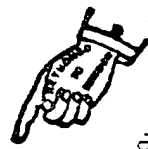
FILE

PERKINS COIE LLP
1201 THIRD AVENUE, SUITE 4800
SEATTLE, WASHINGTON 98101-3099

*Fluor Corp
May 20 2003*

RETURN RECEIPT
REQUESTED

Not Requested



Via Cert.

Mr. R. Doug Sm.

SMIT508 836512215 1N 03
RETURN TO SENDER

NO FORWARD ORDER ON FILE
UNABLE TO FORWARD
RETURN TO SENDER



NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

101

RECEIVED

JAN 16 2003

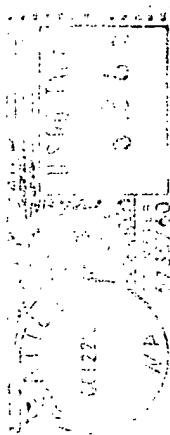
OFFICE OF PETITIONS



7000 1670 0004 8630 7197

FI

First Class Mail



PERKINS COIE LLP
1201 THIRD AVENUE, SUITE 4800
SEATTLE, WASHINGTON 98101-3099

R. Fov

LD

RETURNED TO SENDER

Via Certified Mail/Return Receipt Requested

Mr. Jacques Gagne
1696 Miller Avenue
Los Altos, California 94024



Attempted not Known
Forwarding Order Expired
No Such Number
Undeliverable as Addressed
Insufficient Address
Temporarily Away
No Mail Receipts RI #

9402405

1ST CLASS

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Michael V. Leman
270 E. Trailside Dr.
Eagle, Idaho 83616

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Michael V. Leman☐ Agent☒ Addressee

B. Received by (Printed Name)

Leman

C. Date of Delivery

*9/2/01*D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7000 1670 0004 8630 7142



UNITED STATES DEPARTMENT OF COMMERCE
 Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/472,725 12/27/99 LEMAN

0232/0207

JOHN M WECHKIN
 PERKINS COIE LLP
 PATENT-SEA
 1201 THIRD AVENUE SUITE 4800
 SEATTLE WA 98101-3005

2935

DATE MAILED:

02/07/00

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.138(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a
☐ small entity (statement filed) ☒ non-small entity is \$ 1250.00.

- ☒ 1. The statutory basic filing fee is:
☒ missing.
☐ insufficient.

Applicant must submit \$ 760.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

- ☒ 2. The following additional claims fees are due:

\$ 234.00 for 13 total claims over 20.

\$ 234.00 for 3 independent claims over 3.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☒ 3. The oath or declaration:

- ☒ is missing or unsigned.
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

- ☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application; the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

- ☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice **MUST** be returned with the reply.

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JAN 16 2003

OFFICE OF PETITIONS

Customer Service Center
 Initial Patent Examination Division (703) 308-1202



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/472,725	12/27/1999	MICHAEL V. LEMAN	

JOHN M WECHKIN
PERKINS COIE LLP
PATENT-SEA
1201 THIRD AVENUE SUITE 4800
SEATTLE, WA 981013099

ABANDONMENT/TERMINATION LETTER

OC000000005810454

Date Mailed: 02/28/2001

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 02/07/2000.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 1 - ATTORNEY/APPLICANT COPY

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JAN 16 2003
OFFICE OF PETITIONS